IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL

Criminal Misc. Application No. 841 of 2005

Km. Devrani @ Neelu
D/o Shri Surendra Pal
r/o Village Bhaura
Police Station Banga
District Navashare (Punjab) …Applicant

Versus

1. State of Uttaranchal
2. Sri Abdul Hamid
   S/o Shri Rashid Ahmad
   R/o Bhorowala
   Police Station Claman Town
   District Dehradun ….Opposite parties

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.P.C has been filed by the petitioner – Km. Devrani @ Neelu for quashing the criminal proceedings of Sessions Trial No. 118 of 2004 State Vs Harminder Singh & others under Sections 120-B, 363, 366, 376, 419, 420, 467, 468, 471 of I.P.C. pending in the court of Additional District Judge/VIIth F.T.C., Dehradun.

Brief facts giving rise to this petition are that on the First Information Report in a Case Crime No. 49 of 2004 under Sections 120-B, 363, 366, 376, 419, 420, 467, 468, 471 of I.P.C. a case was registered against the petitioner including other persons. The police Recovered the prosecutirx Km. Saiza on 03.06.2005 from the platform No. 35 of I.S.B.T. at 2:30p.m.

The police during the investigation recorded the statement of material witnesses under Section 161 Cr.P.C. and thereafter submitted the chargesheet against the accused persons including the petitioner.

After submission of the chargesheet against the petitioner along with other persons, this petition has been filed before this Court.

Heard learned counsel for the petitioner, learned A.G.A. and perused the record.

The contention raised by the learned counsel for the petitioner relates to the factual aspect of the matter and that can be examined and assessed by the trial court during the course of trial. At this stage, I am not suppose to embark upon an enquiry with regard to the reliability of the evidence which is yet to be adduced before the court during the course of the trial.

I do not find any abuse of process of court. Any decision given by me at this stage will amount to premature decision in a case wherein the entire facts are extremely incomplete and hazy, more so when the evidence has not been colleted and produced before the court and the issues involved whether factual or legal are of great magnitude and cannot be seen in their true perspective without sufficient material.

The petition lacks merit and is liable to dismissed.

Accordingly, the petition under Section 482 Cr.P.C. is dismissed. However, the petitioner may raise the arguments in her support at the stage of framing the charges and the trial court at the stage of framing the charges will take into account the arguments to be advanced by the petitioner.

(B.C. Kandpal,J.)

29.11.2005
ASWAL